

National Aeronautics and Space Admin.

§ 1206.100

to providing information necessary for preliminary engineering, clearinghouses can make useful inputs to the development of environmental impact statements, as well as in reviewing draft statements. Thus, consultation at the earliest stage in planning can have substantial payoffs in installation development.

2. Clearinghouses will be afforded a minimum time of 30 days in which to review and comment on a proposed project and a maximum time of 45 days in which to complete such review.

3. The minimum information to be provided to the clearinghouse will consist of project description, scope and purpose, summary technical data, maps and diagrams where relevant, and any data which would show the relationship of the proposed project or action to applicable land use plans, policies, and controls for the affected area.

4. Establish procedures for notifying clearinghouses of the actions taken on projects, such as implementation, timing, postponement, abandonment, and explaining, where appropriate, actions taken contrary to clearinghouse recommendations.

PART 1205 [RESERVED]

PART 1206—AVAILABILITY OF AGENCY RECORDS TO MEMBERS OF THE PUBLIC

Sec.

Subpart 1—Basic Policy

- 1206.100 Scope of part.
- 1206.101 Definitions.
- 1206.102 General policy.

Subpart 2—Records Available

- 1206.200 Types of records to be made available.
- 1206.201 Records which have been published.
- 1206.202 Deletion of segregable portions of a record.
- 1206.203 Creation of records.
- 1206.204 Records of interest to other agencies.
- 1206.205 Incorporation by reference.
- 1206.206 Availability for copying.
- 1206.207 Copies.
- 1206.208 Release of exempt records.

Subpart 3—Exemptions

- 1206.300 Exemptions.
- 1206.301 Limitation of exemptions.

Subpart 4—Location for Inspection and Request of Agency Records

- 1206.400 Information Centers.

- 1206.401 Location of NASA Information Centers.
- 1206.402 Documents available for inspection at NASA Information Centers.
- 1206.403 Duty hours.

Subpart 5—Responsibilities

- 1206.500 Associate Deputy Administrator.
- 1206.501 General Counsel.
- 1206.502 Centers and Components.
- 1206.503 NASA Headquarters.
- 1206.504 Inspector General.
- 1206.505 Delegation of authority.

Subpart 6—Procedures

- 1206.600 Requests for records.
- 1206.601 Mail, fax and e-mail requests.
- 1206.602 Requests in person.
- 1206.603 Procedures and time limits for initial determinations.
- 1206.604 Request for records that exist elsewhere.
- 1206.605 Appeals.
- 1206.606 Request for additional records.
- 1206.607 Actions on appeals.
- 1206.608 Time extensions in unusual circumstances.
- 1206.609 Litigation.
- 1206.610 Notice to submitters of commercial information.

Subpart 7—Search, Review, and Duplication Fees

- 1206.700 Schedule of fees.
- 1206.701 Categories of requesters.
- 1206.702 Waiver or reduction of fees.
- 1206.703 Aggregation of requests.
- 1206.704 Advance payments.
- 1206.705 Form of payment.
- 1206.706 Nonpayment of fees.

Subpart 8—Failure to Release Records to the Public

- 1206.800 Failure to release records to the public.

Subpart 9—Annual Report

- 1206.900 Requirements for annual report.

AUTHORITY: 5 U.S.C. 552, 552a; 42 U.S.C. 2473.

SOURCE: 64 FR 39404, July 22, 1999, unless otherwise noted.

Subpart 1—Basic Policy

§ 1206.100 Scope of part.

This Part 1206 establishes the policies, responsibilities, and procedures for the release of Agency records which

are under the jurisdiction of the National Aeronautics and Space Administration, hereinafter NASA, to members of the public. This part applies to information and Agency records located at NASA Headquarters, at NASA Centers, and at NASA Component, as defined in Part 1201 of this chapter.

§ 1206.101 Definitions.

For the purposes of this part, the following definitions shall apply:

(a) The term *Agency records* or *records* means any information that would be an Agency record subject to the requirements of the Freedom of Information Act (FOIA) when maintained by NASA in any format, including an electronic format. Such information includes all books, papers, maps, photographs, or other documentary materials made or received by NASA in pursuance of Federal law or in connection with the transaction of public business and preserved by NASA as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities or because of the informational value of data contained therein. It does not include tangible objects or articles, such as structures, furniture, paintings, sculptures, exhibits, models, vehicles or equipment; library or museum material made or acquired and preserved solely for reference or exhibition purposes; or records of another agency, a copy of which may be in NASA's possession.

(b) The term *initial determination* means a decision by a NASA official, in response to a request by a member of the public for an Agency record, on whether the record described in the request can be identified and located after a reasonable search and, if so, whether the record (or portions thereof) will be made available under this part or will be withheld from disclosure under Subpart 3 of this part.

(c) The term *appeal* means a request by a member of the public, hereinafter requester, to the Administrator or designee, or, in the case of records as specified in §1206.504, to the Inspector General or designee for reversal of any adverse initial determination the requester has received in response to a request for an Agency record.

(d) The term *final determination* means a decision by the Administrator or designee, or, in the case of records as specified in §1206.504, by the Inspector General or designee on an appeal.

(e) The term *working days* means all days except Saturdays, Sundays, and Federal holidays.

(f) As used in §1206.608, the term *unusual circumstance* means, but only to the extent reasonably necessary to the proper processing of a particular request for Agency records—

(1) The need to search for and collect the requested records from NASA Centers or other establishments that are separate from the NASA Information Center processing the request (see Subpart 6 of this part for procedures for processing a request for Agency records);

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which are demanded in a single request; or

(3) The need for consultation, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of NASA having substantial subject-matter interest therein.

(g) A *statute specifically providing for setting the level of fees for particular types of records* (5 U.S.C. 552(a)(4)(A)(vi)) means any statute that specifically requires a government agency to set the level of fees for particular types of records in order to:

(1) Serve both the general public and private sector organizations by conveniently making available government information;

(2) Ensure that both groups and individuals pay the cost of publications and other services that are for their special use so that these costs are not borne by the general taxpaying public;

(3) Operate, to the maximum extent possible an information dissemination activity on a self-sustaining basis (to the maximum extent possible); or

(4) Return revenue to the Treasury for defraying, wholly or in part, appropriated funds used to pay the cost of disseminating government information.